

REMARKS/ARGUMENTS

Claims 1-4, 7-11, 14-21 and 38 remain in this application. Claims 5, 6, 12, and 13 were previously canceled. Claims 22-37 have been withdrawn from consideration without prejudice.

In view of the examiner's restriction requirement, applicant retains the right to present claims 22-37 in a divisional application.

I. **Rejection of Claims ZZZZ Based on 35 U.S.C. § 103**

The Examiner has rejected claims 1-4, 7-11, 14-21, and 38 under 35 USC §103(a) as being unpatentable over Fergerson (U.S. Patent No. 5,966,697) in view of Musgrove (U.S. Patent No. 6,535,880).

Applicant respectfully submits that, as amended, claims 1, 8, 17, and 38 are allowable for at least the following reasons:

Fergerson teaches a system whereby a user may purchase items from several merchants by accessing each merchant's web site and selecting desired items. Payment for the selected items is made at a secure site by providing single payment information which is then distributed to all the affected merchants. Each merchant extracts the money from the user using the payment information provided at the secure site and issues an independent receipt for the purchase to the user.

In contrast, the present invention teaches a method whereby a user may purchase items indirectly from several merchants through a vendor computer. The vendor computer acts like a retailer and controls the transactions between the user and each merchant's stock. In one embodiment, after a user completes shopping, single payment is made to the vendor for all the items purchased from

the several merchants. Thus, unlike in Fergerson where the user interacts with the merchants, the present invention provides a vendor system which acts as a liaison between merchants and user.

Regarding Musgrove, Applicant submits herewith a declaration pursuant to 37 CFR 1.131 swearing back of Musgrove. Thus Musgrove may not be considered as prior art to the present application because evidence shows invention prior to filing date of Musgrove.

For the above reasons, the present invention is patentably distinct from the prior art of record and in condition for allowance.

Dependent Claims 2-4, 7, 9-11, 14-17, and 19-21

Applicant respectfully submits that claims 2-4, 7, 9-11, 14-17, and 19-21 being dependent upon respective allowable base claims are also allowable for at least the foregoing reasons stated above.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

Date: September 4, 2003

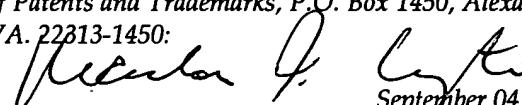
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Attachments